

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Writ Petition No. 1414 (S/S) of 2004

1. Miss Punam Khetwal D/o Sri Hayat Singh Khetwal
R/o B- 1 Rautela Colony, Roopnagar, Choti Mukhani Haldwani,
Nainital
 2. Anand Singh Janauti S/o Sri Khem Singh Janauti
R/o Village & Post – Janauti Palari, Bageshwer
- Petitioners

Versus

1. State of Uttaranchal through Secretary Sport at Dehradun
 2. Director (Sports), Directorate Sports at Dehradun
 3. Chairman, Public Service Commission – Uttaranchal
- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Adhikari, learned counsel for the petitioners and Sri H.M. Raturi, learned Standing Counsel State of Uttarakhand for the respondent nos. 1 and 2 and Sri B.D. Kandpal, learned counsel for the respondent no. 3.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

1. Issue a writ, order or direction in the nature of mandamus directing the respondents for giving the joining to the petitioners like others because they are finally selected by the Public Service Commission for the post of Asst. Trainer of Swimming.
2. Issue any other or direction under the circumstances of the case as this Hon'ble Court deems fit and proper.
3. To award cost throughout.

The stand of the petitioners is that in pursuance to the advertisement made by the respondents for the post of Assistant Trainer for swimming, they applied and were declared successful. However, they have not been provided appointment.

The respondents have denied appointment on the ground that the petitioners are not having the qualification, which is prescribed in the advertisement.

I have perused the advertisement. The counter affidavit filed by the respondents as well as the pleading in the writ petition, it is not disputed that in the advertisement, the qualification required to be appointed as Assistant Trainer is Diploma from National Institute of Sports, Patiala and the petitioners are not in possession of the Diploma from the said institute. On the contrary, they are having the certificate issued by the National Institute of Sports, Patiala.

According to the petitioner, there are no Rules for the post of Assistant Trainer. In the absence of any Rules, the qualification, which has been made in the advertisement, shall be considered for appointment. It is not disputed that the petitioners are not having the required qualification as has been prescribed in the advertisement.

The writ petition lacks merit and as such is dismissed. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

24.05.2007
VKS